

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

BRIAN W. GREER,

Plaintiff,

v.

CARPENTERS LANDING HOMEOWNERS
ASSOCIATION, INC., *et al.*,

Defendants.

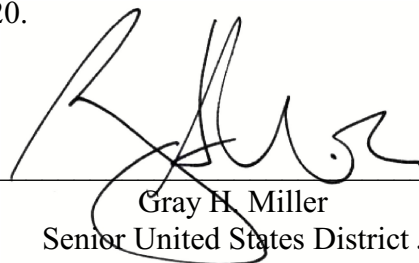
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CIVIL ACTION H-19-3436

ORDER

Pending before the court is a memorandum and recommendation filed by Magistrate Judge Christina Bryan. Dkt. 21. The M&R recommended granting Carpenters Landing Homeowners Association, Inc.’s (“Carpenters”) Rule 12(b)(6) motion because plaintiff Brian W. Greer’s (“Greer”) negligence claims lacked duty-triggering facts.¹ *Id.* Greer did not object. After reviewing the M&R, the motion, response, reply, and applicable law, the court agrees with the M&R.² And, the court finds no clear error on the face of the record. Fed. R. Civ. P. 72(b), Advisory Comm. Note (1983). Accordingly, the M&R (Dkt. 21) is ADOPTED IN FULL, Carpenters’ motion (Dkt. 13) is GRANTED, and Greer’s claims against Carpenters (Dkt. 9, Counts 6-7) are DISMISSED WITH PREJUDICE.

Signed at Houston, Texas on May 13, 2020.



Gray H. Miller
Senior United States District Judge

¹Because only Carpenters moved to dismiss Greer’s claims against it (Counts 6 and 7), this order does not address the other defendants or the claims against them.

²The M&R also recommended giving Greer a chance to plead additional facts (via timely objections to the M&R) to show that the economic loss rule did not bar his negligence claims. But, he did not object.